

Message Text

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70

ACTION EB-07

INFO OCT-01 AF-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 NSC-05 SS-15 /046 W

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R 091200Z JUN 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 2986

INFO AMCONGEN CASBLANCA

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CASABLNCA (FOR RCAA)

E.O. 11652:N /A

TAGS: EAIR, CG

SUBJECT: CIVAIR: REQUEST FOR CONSULTATIONS

REF: STATE 132312

1. ZAIRE EMBASSY NOTE OF MAY 15 (PARA 2 REFTLEL) MAY BE LINKED TO GOZ REQUEST FOR CONSULTATIONS ON OUR BILATERAL AIR AGREEMENT. DAN MOORE OF FAA TEAM TELLS US THAT TRANSPORT MINISTER INONGA HAS DECIDED TO REVIEW ALL "CONTRACTS SIGNED BY HIS PREDECESSORS AND INONGA MIGHT CONSIDER OUR AIR AGREEMENT SUCH A CONTRACT. IT IS UNLIKELY THAT MAC FLIGHT PROBLEMS ARE INVOLVED.

2. DIRECTOR OF FLIGHT OPERATIONS FOR ZAIRIAN CIVIL AVIATION, BALEMBA BATAGA, TOLD AMBASSADOR AND MOORE ON JUNE 3 THAT OUR AGREEMENT "MUCH TOO FAVORABLE" TO US AND LACKED RECIPROCITY. BALEMBA SPOKE OF "ADVANTAGE" WE HAD ON LAGOS-KINSHASA RUN (AMBASSADOR COUNTERED THAT SINCE AIR ZAIRE DOES NOT FLY TO LAGOS HE DID NOT UNDERSTAND THAT PROBLEM). BALEMBA ALSO CITED "MUCH FAIRER" US-BRAZILIAN AGREEMENT AND "MORE REASONABLE" UK PRACTICES IN AFRICA INVOLVING FLAT PERCENTAGE OF REVENUE GOING TO AFRICAN COUNTRY. IN SUBSEQUENT CONVERSATION WITH ACTING ECONCOUNS,
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ON JUNE 5, BALEMBA SAID GOZ WANTED TO "TIGHTEN UP" OUR

AGREEMENT AND MAKE IT MORE SPECIFIC. ISSUES WOULD INCLUDE TARIFFS, CAPACITIES AND SCHEDULES. HE ALLOWED AS HOW NEW PANAM SERVICE TO NAIROBI WAS PART OF PROBLEM (WHICH HAD BEEN DAN MOORE'S FIRST GUESS). BALEMBA ALSO SAID GOZ PLANS TO HOLD SIMILAR TALKS WITH OTHER GOVRNMENTS HAVING AIRLINE SERVICE HERE.

3. DEPT FONAFF IS NOT SAYING MUCH. CHIEF OF DFA TREATY DIVISION, MUSHOBKWA, REFUSED TO BE SMOKED OUT WHEN ACTING DCM SPOKE TO HIM JUNE 4. DECLINED EVEN TO SAY WHETHER GOZ HAS MADE SIMILAR APPROACHES TO OTHER GOVERNMENTS. (OUR QUERIES AT DUTCH, ITALIAN, SWISS AND BELGIAN EMBASSIES REVEALED THAT THEY HAVE NOT BEEN APPROACHED SO FAR). MUSHOBKWA SAID THAT ONCE EMBASSY OFFICIALLY INFORMS DFA THAT US AGREES TO OPEN NEGOTIATIONS, DFA WILL PREPARE DIPLOMATIC NOTE SETTING FORTH WHAT GOZ HAS IN MIND.

4. A POSSIBILITY NOT SO FAR MENTIONED BY ANYONE ON ZAIRIAN SIDE IS THAT CALL FOR CONSULTATIONS IS AIMED INTER ALIA AT ELIMINATING FLIGHTS TO JOHANNESBURG PURSUANT TO DAR ES SALAAM OAU DECLARATION. FACT THAT OTHER GOVERNMENTS WITH AIR LINES SERVICES TO SOUTH AFRICA NOT SO FAR CONTACTED CASTS SOME DOUBT ON THIS POSSIBILITY.

5. IN ANY CONSULTATIONS THAT TAKE PLACE USG WILL DOUBTLESS WANT TO RAISE SOME OF OUR OWN PROBLEMS; E.G. GOZ'S "FLY AIR ZAIRE" POLICY AND ITS EFFORTS TO LIMIT AIR FREIGHT IMPORTS TO AIR ZAIRE OR TO OBTAIN ILLEGAL KICKBACK.

6. EMBASSY CANNOT YET TELL HOW MUCH STEAM THERE IS BEHIND GOZ INITIATIVE BUT ZAIRIAN SIDE MAY BE THINKING IN TERMS OF MORE THAN ONE EXCHANGE OF NOTES BEFORE CONSULTATIONS BEGIN. LOGICAL FIRST STEP MIGHT BE FOR EMBASSY TO FOLLOW UP ITS EARLIER NOTE TO DFA, WHICH SIMPLY ACKNOWLEDGED RECEIPT OF REQUEST FOR CONSULTATIONS, WITH SECOND NOTE INFORMING DFA OF USG WILLINGNESS TO ENTER CONSULTATIONS AND REQUESTING CLARIFICATION OF GOZ CONCERNS. PLEASE ADVISE.

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